

ORDINANCE 3034

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE  
TO GOVERN WIND-POWERED ELECTRICITY SYSTEMS AS AN  
ACCESSORY USE SUBJECT TO SPECIFIC STANDARDS AND  
ADDING NEW DEFINITIONS FOR WIND-POWERED SYSTEMS

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WHEREAS, the City of Great Falls Land Development Code allows wind-powered generators in all zoning districts through a conditional use process, but lacks standards for the erection and operation of such generators; and,

WHEREAS, the City of Great Falls desires to establish standards for the erection and operation of wind-powered systems within the City limits of Great Falls, Montana; and,

WHEREAS, the City of Great Falls further desires to allow wind-powered systems as an accessory use in all zoning districts; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing and has recommended standards for wind-powered systems so as to protect the public health and safety; and,

WHEREAS, notice of amending the Land Development Code to add provisions for wind-powered systems was published in the Great Falls Tribune, advising that a public hearing on these proposed amendments would be held on the 7<sup>th</sup> day of July, 2009, before final passage of said Ordinance herein.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, STATE OF MONTANA:

Section 1. Exhibit 20-2 of Chapter 20 of the Land Development Code is hereby amended to add wind-powered systems as accessory uses permitted in all zoning districts.

Section 2. That new definitions for wind-powered systems as presented in attached Exhibit "A", Paragraph A. are hereby added to Section 17.8.120 General definitions and Appendix F Land Use Definitions of the Land Development Code.

Section 3. That a new Section 17.20.7.110 is hereby added to the Land Development Code providing specific standards for wind-powered systems as presented in attached Exhibit "A", Paragraphs B. through K.

Section 4. That the term "wind turbines" shall be deleted from the definition of "Utility installation" as contained in Section 17.8.120 General definitions and Appendix F Land Use Definitions of the Land Development Code.

Section 5. It is determined that the herein proposed zoning amendments will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 6. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 7. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading June 16, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading July 21, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

State of Montana )  
County of Cascade : ss.  
City of Great Falls )

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3034 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Lisa Kunz, City Clerk

(CITY SEAL)

## EXHIBIT A

### 17.20.7.110 Wind-powered electricity systems

#### A. Definitions.

- 1) **Small wind-powered electricity systems** have a rated capacity of up to and including 100 kilowatts (kW) and are incidental and subordinate to a permitted use on the same parcel. A system is considered a small wind-powered electricity system only if it supplies electrical power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company as may be governed by applicable state statutes.
- 2) **Large wind-powered electricity systems** have a rated capacity of over 100 kilowatts (kW) and are intended to produce electricity for use on-site and/or sale to a rate regulated utility company or other off-site provider of electric power. Such systems may also be termed as “commercial wind-powered electricity systems”.
- 3) **Tower height** means the vertical measurement from the base of the tower to the top of the tower itself or the tip of the highest piece of equipment attached thereto. In the case of building-mounted towers the height of the tower does not include the height of the building on which it is mounted.

#### B. Siting. Small wind-powered electricity systems are allowed as accessory uses in all zoning districts provided the following standards are met:

- 1) In residential districts (R-1, R-2, R-3, R-5, R-6, R-9, and R-10), wind-powered electricity systems rated up to and including 10 kW are allowed. The maximum height shall be eighty (80) feet, as measured from finished ground level to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors.
- 2) In all other districts (C-1, C-2, C-3, C-4, C-5, M-1, M-2, POS, PLI, IA, I-1, and I-2), wind-powered electricity systems up to and including 100 kW are allowed. The maximum height shall be one-hundred and twenty-five (125) feet, as measured from finished ground level to the top of the tower system, which includes the generating unit and the highest vertical extent of any blades or rotors.
- 3) On parcels greater than one acre in size, except within residential districts, wind-powered electricity systems up to and including 100 kW are also allowed as a primary use provided all other applicable provisions of this section are met.

#### C. Minimum Setback Requirement.

Minimum setback from any property line for wind-powered electricity systems 80 feet or less in height above the ground shall be 110% of the tower height (i.e.  $110\% \times \text{tower height} = \text{minimum setback}$ ). Minimum setback from any property line for wind-powered electricity systems more than 80 feet in height above the ground shall be 200% of the tower height (i.e.  $200\% \times \text{tower height} = \text{minimum setback}$ ).

#### D. Permits. All wind-powered electricity system installations are subject to applicable building, electrical, and mechanical permits issued by the City and shall be located in compliance with any applicable Federal Aviation Administration regulations and guidelines.

#### E. Noise. All wind-powered electricity systems are subject to noise standards set forth in Chapter 8.56, Official Code of the City of Great Falls, and it is incumbent upon the property owner to demonstrate compliance prior to the issuance of any permits by the City.

- F. **Color.** Tower colors should have a matted or non-reflective finish and be of neutral subdued tones such as earth tones of green or brown. Gray, including naturally darkening galvanized gray, is also acceptable. Towers shall not be finished in bright or vivid colors intended to draw attention to the structure or property.
- G. **Signs.** The system tower shall not be used for signs and advertising of any kind. One sign, limited to four square feet, shall be posted at the base of the tower. The sign shall include a notice of no trespassing, a warning of high voltage, and the telephone number of the property owner/operator to call in case of emergency.
- H. **Lighting.** The system shall be unlit unless required to meet Federal Aviation Administration regulations in which case tower lighting shall be shielded or directed to the greatest extent possible to minimize the amount of light that falls onto nearby properties, particularly residences.
- I. **Anti-climbing Measures.** All tower systems with climbable features shall be enclosed by a fence or shall incorporate other effective anti climbing measures to discourage unauthorized climbing of the tower and reduce potential for trespass and injury.
- J. **Removal.** Tower systems that remain nonfunctional or inoperative for a continuous period of one year shall be deemed to be abandoned, shall constitute a public nuisance and shall be removed by the owner/operator.
- K. **Prohibited Systems.** Large or commercial wind-powered electricity systems shall not be allowed, erected, operated or maintained within the City.